

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JACQUELINE STEVENS,	)	
	)	
Plaintiff,	)	
	)	No. 18 C 5391
v.	)	
	)	Judge Wood
BROADCASTING BOARD OF	)	
GOVERNORS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**JOINT INITIAL STATUS REPORT**

The parties provide the following joint initial status report.

**1. Nature of the Case**

**A. Attorneys of Record**

Plaintiff Jacqueline Stevens is proceeding pro se.

Defendants are represented by Assistant United States Attorney Prashant Kolluri.

**B. Service of Process**

Stevens served a copy of her complaint on the United States Attorney's Office for the Northern District of Illinois on August 13, 2018. Defendants' response to the complaint is currently due on October 5, 2018. Dkt. 11. There are no parties that have not yet been served.

**C. Basis for Federal Jurisdiction**

28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B)

**D. Nature of Claims and Legal/Factual Issues**

This is a Freedom of Information Act lawsuit filed by Stevens relating to 29 FOIA requests sent to at least 13 federal agencies or agency components. The nature of the agency records requested relate to programs managing U.S. national sovereignty in the areas of deportation, surveillance, propaganda, and weapons production, distribution, and counter-terrorism. Dkt. 1, Compl. ¶ 1. Stevens alleges that defendants failed to conduct a timely and adequate search of agency records and unlawfully withheld records in response to her

FOIA requests. Defendants deny the alleged FOIA violations.

The major legal and factual issues in this case will be whether the government: (1) adequately searched for responsive records, and (2) withheld exempt information in accordance with the FOIA.

## **2. Mandatory Initial Discovery Pilot Project**

This FOIA action is not subject to the MIDPP because it is exempt under Federal Rule of Civil Procedure 26(a)(1)(B).

## **3. Case Plan**

### **A. Pending Motions**

There are no pending motions, and defendants do not anticipate responding to the complaint by motion.

### **B. Proposed Discovery Plan**

Discovery is typically unnecessary in a FOIA case. Instead, the government will provide declarations to establish that it conducted an adequate search for records responsive to Stevens's FOIA requests and that anything withheld was exempt under the FOIA. The case is likely to be resolved on summary judgment, except where the plaintiff calls into question the veracity of the government's declarations. In some instances, plaintiff may then be granted discovery (and potentially a trial) if there are disputed factual issues as to the adequacy of the search or the assertion of exemptions. The parties believe this approach should be followed here. As such, no discovery schedule should be set, and no Rule 26(a)(1) disclosures should be made at this time.

Defendants request a status hearing in 30-60 days so that the government can provide the court and Stevens with an anticipated timeline for the release of any remaining records responsive to the 29 FOIA requests at issue in this case. The parties can thereafter propose a summary judgment briefing schedule.

Plaintiff requests a status hearing in 30 days and that defendants communicate no fewer than seven days prior to that hearing the search status and time table of releases for each agency. This is in contemplation of a possible motion for summary judgment against agencies that are withholding documents in violation of the Freedom of Information Act.

### **C. Jury Demand and Trial**

There has been no jury demand, and a jury would not decide this FOIA case. The parties do not anticipate at this point this case going to trial and thus do not currently have an estimated length of trial.

**4. Settlement**

The parties have not had any settlement discussions and do not believe that a settlement conference would be productive at this time.

**5. Consent to Proceed Before a Magistrate Judge**

The parties do not unanimously consent to proceed before a magistrate judge.

Respectfully submitted,

By: s/ Jacqueline Stevens  
JACQUELINE STEVENS  
*Plaintiff*

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United States Attorney

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